

Matthew Kuolt  
 T.C.L.F.  
 225 Hwy 49 South  
 Totowa, MS 38963  
 Plaintiff pro se

Exhibit 4

In the United States District Court  
 For the District of Hawaii

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

JAN 18 2006

at 8 o'clock and 15 min. A.M.  
 SUE BEITIA, CLERK

Matthew Kuolt  
 Plaintiff

Civil No. 04-00489 HG-KSC

vs.  
 State of Hawaii  
 Dept of Public Safety  
 et al  
 Defendants

Plaintiffs Opposition to  
 Magistrate Granting Summary  
 Judgment for Defendants

Comes Now Plaintiff Matthew Kuolt pro se and  
 in forma pauperis

Plaintiff declares under the penalty of Law and  
 perjury that the foregoing is true and based on  
 fact and personal knowledge.

Plaintiff Complaint stems from an assault  
 in which a 293 LB inmate slugged plaintiff in  
 the side of his jaw breaking his jaw and causing  
 bleeding from ear and mouth and also causing  
 a prolonged period of confusion and disorientation and  
 serious pain as well as misalignment of teeth & Nerve Damage.

Plaintiff received superficial Medical  
 examination and treatment on day of assault  
 and was after this superficial Medical treatment  
 placed in (the Hole) segregation and received  
 superficial treatment after ward up until about  
 14 days later. Because of Continued Complaints and  
 escalating pain he received an X-ray revealing  
 a fracture and also revealing that the fracture had  
 fused back together resulting in Nerve Damage and

misalignment of Plaintiff's teeth as well as other complications stemming from the injury and the denial of adequate medical treatment on the day of the injury.

Plaintiff alleges reckless disregard and reckless indifference in not providing emergency care on day of injury that could have and should have been done concerning a serious painful injury.

Plaintiff alleges Medical Unit and Doctor are not adequately trained and are not following rules and instruction regarding serious injuries as well as having demonstrated reckless disregard for emergency needs in the past on other prisoners who also filed lawsuits and also Grievances Medical Unit.

Plaintiff alleges that any reasonable person let alone a Medical Doctor or Medical personnel would understand that a high probability existed and a certain likely hood that Plaintiff's Jaw was broken a good indication is that Blood was flowing from his Mouth and Ear.

Medical Doctor or and Medical personnel would understand that a high probability existed and a certainly likely hood that with out emergency treatment right away (setting of Bone) and other preventive Medical treatment that this would result in future harm, permanent injury, misalignment of Jaw, Nerve damage and or Medical Complications arising from the denial of Emergency Care - and Emergency treatment.

On day of assault Plaintiff could not adequately communicate his concern for the Broken Jaw and his need for emergency care because of a Concussion and Confusion (dazed) on day of superficial medical treatment and day of assault.

Plaintiff Claims a Continuing injury attributable to the denial of Emergency Care - and Defendants never adequately explained why the Obvious escaped them in the face of a serious injury.

This Conduct rises to the level of deliberate indifference reckless indifference and deliberate disregard to adequate Medical Care for a serious Observable painful injury and Plaintiff Claim reasonable that this Qualifies under

Estelle v. Gamble 97 S.Ct 285

Hunt v. Nantel Dept 865 F.2d 198

Ashker v. Calif Dept of Corrections 112 F.3d 392

Jones v. Blanas 393 F.3d 918 at 918 # [1] Federal Courts 752

Plaintiff's arguments, Statements and Law are support for his Opposition herein and pray the Honorable Judge, will reconsider and deny Defendants Motion for Summary Judgment also Plaintiff prays the Honorable Judge will also consider all other Motions and pleading from Plaintiff.

Respectfully Submitted

Matthew Kvolt

Date Jan 5, 2006

Matthew Kvolt  
Plaintiff pro se

In the United States District Court  
For the District of Hawaii

Matthew Kvolt  
Plaintiff

Cv. 04-00489-HG, KSC

Vs.

Certificate of Service

State of Hawaii;  
Dept of Public Safety  
et, al. Defendants

Certificate of Service

Thereby Certify that a true and correct  
copy of the foregoing document was duly served  
by mail on the following at his last known address  
Via Mail postage pre paid

Kendall Moser  
425 Queen Street  
Honolulu, Hawaii 96813  
Deputy Attorney General  
For Defendants

x Matthew Kvolt

Date JANUARY 24<sup>th</sup> 2006

x Matthew Kvolt  
Matthew Kvolt  
plaintiff pro-se